

1 NAOMI CHUNG (SBN 283743)  
Pier 9, Suite 100  
2 The Embarcadero  
San Francisco, California 94111  
3 Telephone: (415) 746-9080  
Fax: (415) 484-7054  
4 naomichung@defenseaid.com

5 BRENDAN HICKEY (CSBN 261794)  
Pier 9, Suite 100  
6 San Francisco, CA 94111  
Telephone: (415) 494-8444  
7 Fax: 415-735-3544  
brendan@defender-services.com

8 Attorneys for Defendant  
9 GREGORY BELCHER

10  
11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION  
15

16 UNITED STATES OF AMERICA,  
17 Plaintiff,  
18 v.  
19 GREGORY BELCHER,  
20 Defendant.

NO. CR16-0211-LHK

**MOTION AND DECLARATION FOR A  
SUBPOENA DUCES TECUM  
PURSUANT TO FED. R. CRIM P. 17(c)**

21  
22 **I. Motion for a 17(c) Subpoena**

23 Federal Rule of Criminal Procedure 17(c)(1) pertains to subpoenas to  
24 produce documents and objects, and provides:

25 A subpoena may order the witness to produce any books,  
26 papers, documents, data, or other objects the subpoena  
27 designates. The court may direct the witness to produce

1 the designated items in court **before trial** or before they  
2 are to be offered in evidence. When the items arrive, the  
3 court may permit the parties and their attorneys to  
inspect all or part of them. (Emphasis added).

4 Local Criminal Rule 17-2(a) makes clear that in order for a defendant to obtain  
5 documents prior to trial, he must obtain an order pursuant to Rule 17(c) of the  
6 Federal Rules of Criminal Procedure. Defendant, Dr. Gregory Belcher, through  
7 undersigned counsel, hereby requests that this Court authorize the service of this  
8 subpoena for production of documents pursuant to Fed. R. Crim. Pro. 17(c). The  
9 parties to be served and addresses where they accept service:  
10

11 **Anthem**

12 Legal Department  
13 2155 Oxnard St.  
14 1<sup>st</sup> Floor  
Woodland Hills, CA 91367

15 **Aetna**

16 HIPPA Members Rights & Subpoena Team  
17 151 Farmington Ave., AN33  
Hartford, CT 06156

18 **Blue Shield California**

19 Kevin Hardin  
20 3300 Zinfandel Dr.  
Rancho Cordova, CA 95670

21 **Cigna Health & Life Insurance**

22 Cigna Corporate Headquarters  
23 Special Investigations Unit  
24 900 Cottage Grove Road  
Bloomfield, CT 06002

25 **UnitedHealthcare Optum**

26 CT Corporation System  
27 Unitedhealthcare Optum  
28 818 W. 7<sup>th</sup> St.  
Los Angeles, CA 90017

1           The attached subpoena is necessary for the preparation of Dr. Belcher's  
2 defense at trial. The documents sought will aid proving that there was no scheme to  
3 commit billing fraud in Dr. Belcher's medical practice. The requested documents are  
4 critical to defense counsel's ability to effectively investigate and prepare Dr. Belcher's  
5 defense and cross-examine government witnesses, including government agents and  
6 representative(s) from the above-referenced health care benefit plans. This request is  
7 also supported by Dr. Belcher's constitutional right for compulsory process and the  
8 right to present a defense (the latter of which is supported by several clauses of the  
9 Constitution). *Cf. Chambers v. Mississippi*, 410 U.S. 284, 302 (1973).

11  
12           Local Criminal Rule 17-2(a)(1) further specifies that the motion for such an  
13 order must be supported by a declaration establishing specifying the facts supporting  
14 the issuance of the subpoena along with a proposed order. Dr. Belcher submits the  
15 declaration of his attorney, Naomi Chung, which is incorporated below, in support of  
16 his motion.

17  
18           **II. Declaration of Counsel**

19           I, Naomi Chung, hereby declare under penalty of perjury:

20           1) I am an attorney admitted to practice in the State of California and before  
21 the federal district court for the Northern District of California. I have been retained  
22 to represent Dr. Gregory Belcher in the above-referenced case. Unless otherwise  
23 noted, I make this declaration of my own personal knowledge, and if called as a  
24 witness, I could and would testify competently to the contents hereof.  
25  
26  
27  
28

1       2) Dr. Belcher is charged by superseding indictment with violations of 18  
2 U.S.C. § 1349, conspiracy to commit health care fraud (Count 1); 18 U.S.C. §§  
3 1347(a)(1) and (2), health care fraud (Counts 7-10); 18 U.S.C. § 1035, false statements  
4 relating to health care matters (Counts 16 & 17); 18 U.S.C. § 1956(h), conspiracy to  
5 commit money laundering (Count 18), and 18 U.S.C. § 1956(a)(1)(B)(i) and 2, money  
6 laundering (Counts 19- 24).

8       3) At trial, Dr. Belcher intends to prove that any inaccuracies in his billing do  
9 not stem from a scheme to defraud the aforementioned health care benefit plans and  
10 the information and documents requested in the attached subpoena are necessary for  
11 me to effectively investigate and prepare Dr. Belcher's defense.

13       4) The information and documents requested in the attached subpoena are also  
14 critical in our preparation to cross-examine the government's witnesses. The  
15 government's witness list indicates their intention to call representatives from each  
16 of the health care benefit plans to testify in the government's case-in-chief.

18       5) The information and documents requested in the attached subpoena are  
19 particularly critical to the preparation of Dr. Belcher's defense because the  
20 government intends to introduce thousands of pages of medical records and  
21 spreadsheets prepared by these aforementioned health care benefit plans at trial in  
22 the government's case-in-chief.

24       6) The targeted materials are both evidentiary and relevant. Dr. Belcher's  
25 defense depends on refutation of the allegation that he submitted fraudulent billing  
26 claims.

1       7) Given that there are approximately 18 days until trial and 14 days until Dr.  
2 Belcher must file his witness and exhibit lists, it is critical that the defense obtain the  
3 requested documents as soon as possible to provide Dr. Belcher sufficient time to  
4 prepare for trial. Given these time constraints, it would be exceedingly difficult to  
5 obtain the requested documents other than a subpoena under Fed. R. Crim. Pro.  
6 17(c).

8       8) This application is made in good faith, and not for the purpose of general  
9 discovery. Rule 17(c) implements the Sixth Amendment guarantee that an accused  
10 enjoys the right to compulsory process to secure favorable evidence. *United States v.*  
11 *Nixon*, 418 U.S. 683, 711-712 (1974); *United States v. Jenkins*, 895 F.Supp. 1389,  
12 1395 (D. Hawaii 1995). Dr. Belcher intends to introduce the records at trial as a  
13 corroboration of his defense.

15       9) This court should therefore authorize the attached 17(c) subpoenas for  
16 production of documents, and authorize a protective order to control the use and  
17 disclosure of records containing protected health information.

19           Executed under penalty of perjury of the laws of United States, at San  
20 Francisco, California, his 4<sup>th</sup> day of October 2017.

21   Respectfully submitted,

22   Dated: October 4, 2017

23   \_\_\_\_\_  
  /s/

24   NAOMI CHUNG  
25   BRENDAN HICKEY  
26   Counsel for Gregory Belcher

**[PROPOSED] ORDER**

IT IS HEREBY ORDERED that the motion for subpoena pursuant to Fed. R. Crim. Pro. 17(c) for specified documents is GRANTED.

The court hereby ORDERS that the return on the subpoena duces tecum issued by defendant Dr. Gregory Belcher is subject to the following protective rules: (A) the parties are prohibited from using or disclosing health information for a purpose other than the litigation; (B) the parties must return the information to the covered entity, or destroy the protected information, at the end of the litigation or proceeding.

It is further ORDERED that a certified copy of this order shall be served on the custodian of records of (entity) to whom the subpoena duces tecum has been directed.

**SUBPOENA DUCES TECUM**

The court hereby ORDERS that the attached subpoena duces tecum (form CAND-98B) is GRANTED. The subpoenaed documents may be returned directly to counsel for Dr. Gregory Belcher, in electronic format, at [naomichung@defenseaid.com](mailto:naomichung@defenseaid.com) or via mail to the following address:

Law Office of Naomi Chung  
Pier 9, Suite 100  
San Francisco, CA 94111

The Attached CAND-98B will contain the rule 17-2(c) advisement.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE HOWARD R. LLOYD  
United States Magistrate Judge

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY BELCHER

Defendant(s).

SUBPOENA TO PRODUCE  
DOCUMENTS OR OBJECTS  
IN A CRIMINAL CASE

Case No.: CR16-0211-LHK

TO: AETNA - HIPAA Members Rights & Subpoena Team  
151 Farmington Ave., AN33, Hartford, CT 06156

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

## PLACE

☐ U.S. Courthouse  
450 Golden Gate Ave.  
San Francisco, CA 94102

☒ U.S. Courthouse  
280 South First St.  
San Jose, CA 95113

☐ U.S. Courthouse  
3140 Boeing Ave.  
McKinleyville, CA 95519

☐ U.S. Courthouse  
1301 Clay Street  
Oakland, CA 94612
COURTROOM/JUDGE  
8 / LUCY H. KOHDATE AND TIME  
10/17/2017 00:00

*If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.*

The following document(s) or object(s) shall be produced:

See Attachment A.

Please produce all documents in electronic format (if possible) at naomichung@defenseaid.com or via mail to Law Office of Naomi Chung  
Pier 9, Suite 100  
San Francisco, CA 94111

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: [cand.uscourts.gov](http://cand.uscourts.gov).

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

(By) Deputy Clerk

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.  
Pier 9, Suite 100  
San Francisco, CA 94111  
415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on _____ DATE</p> <p>SIGNATURE OF SERVER</p> <p>ADDRESS:</p>		
ADDITIONAL INFORMATION		



*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

**Attachment A**

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between Aetna and:
  - a. Dr. Gregory Belcher
  - b. Dr. Belcher's staff
  - c. U.S. government agents, or
  - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ---
  - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
  - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
  - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
  - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance would be unreasonable or oppressive, it may file a motion to quash or modify the

*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY BELCHER

Defendant(s).

SUBPOENA TO PRODUCE  
DOCUMENTS OR OBJECTS  
IN A CRIMINAL CASE

Case No.: CR16-0211-LHK

TO: ANTHEM - Legal Department  
21555 Oxnard St., 1st Floor, Woodland Hills, CA 91367

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

## PLACE

<input type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input checked="" type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612
---	--	---	---

COURTROOM/JUDGE  
8 / LUCY H. KOHDATE AND TIME  
10/17/2017 00:00

*If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.*

The following document(s) or object(s) shall be produced:

See Attachment A.

Please produce all documents in electronic format (if possible) at [naomichung@defenseaid.com](mailto:naomichung@defenseaid.com) or via mail to Law Office of Naomi Chung  
Pier 9, Suite 100  
San Francisco, CA 94111

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: [cand.uscourts.gov](http://cand.uscourts.gov).

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

(By) Deputy Clerk

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.  
Pier 9, Suite 100  
San Francisco, CA 94111  
415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

<b>PROOF OF SERVICE</b>		
<b>RECEIVED BY SERVER</b>	<b>DATE</b>	<b>PLACE</b>
<b>SERVED</b>	<b>DATE</b>	<b>PLACE</b>
<b>SERVED ON (PRINT NAME)</b>		<b>FEES AND MILEAGE TENDERED TO WITNESS</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO    AMOUNT \$
<b>SERVED BY (PRINT NAME)</b>		<b>TITLE</b>
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on _____  <div style="text-align: center; width: 30%;">DATE</div> <div style="text-align: center; width: 30%;">SIGNATURE OF SERVER</div> <div style="text-align: center; width: 30%;">ADDRESS:</div> </p>		
<b>ADDITIONAL INFORMATION</b>		

*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

**Attachment A**

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between Anthem and:
  - a. Dr. Gregory Belcher
  - b. Dr. Belcher's staff
  - c. U.S. government agents, *or*
  - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ---
  - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
  - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
  - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
  - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance would be unreasonable or oppressive, it may file a motion to quash or modify the

*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
 Plaintiff,

SUBPOENA TO PRODUCE  
 DOCUMENTS OR OBJECTS  
 IN A CRIMINAL CASE

v.

Case No.: CR16-0211-LHK

GREGORY BELCHER

Defendant(s).

TO: BLUE SHIELD CALIFORNIA - Attn Kevin Hardin  
 3300 Zinfandel Dr., Rancho Cordova, CA 95670

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

## PLACE

<input type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input checked="" type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612
---	--	---	---

COURTROOM/JUDGE  
 8 / LUCY H. KOH

DATE AND TIME  
 10/17/2017 00:00

*If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.*

The following document(s) or object(s) shall be produced:

See Attachment A.

Please produce all documents in electronic format (if possible) at naomichung@defenseaid.com or via mail to Law Office of Naomi Chung  
 Pier 9, Suite 100  
 San Francisco, CA 94111

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: [cand.uscourts.gov](http://cand.uscourts.gov).

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

(By) Deputy Clerk

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.  
 Pier 9, Suite 100  
 San Francisco, CA 94111  
 415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on _____ DATE</p> <p>SIGNATURE OF SERVER</p> <p>ADDRESS:</p>		
ADDITIONAL INFORMATION		



*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

**Attachment A**

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between Blue Shield California and:
  - a. Dr. Gregory Belcher
  - b. Dr. Belcher's staff
  - c. U.S. government agents, *or*
  - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ---
  - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
  - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
  - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
  - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance

*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

would be unreasonable or oppressive, it may file a motion to quash or modify the subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
 Plaintiff,

SUBPOENA TO PRODUCE  
 DOCUMENTS OR OBJECTS  
 IN A CRIMINAL CASE

v.

Case No.: CR16-0211-LHK

GREGORY BELCHER

Defendant(s).

TO: CIGNA HEALTH & LIFE INSURANCE - Corporate Headquarters, Attn Special Investigations Unit  
 900 Cottage Grove Road, Bloomfield, CT 06002

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

## PLACE

<input type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input checked="" type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612
---	--	---	---

COURTROOM/JUDGE  
 8 / LUCY H. KOH

DATE AND TIME  
 10/17/2017 00:00

*If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.*

The following document(s) or object(s) shall be produced:

See Attachment A.

Please produce all documents in electronic format (if possible) at naomichung@defenseaid.com or via mail to  
 Law Office of Naomi Chung  
 Pier 9, Suite 100  
 San Francisco, CA 94111

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: [cand.uscourts.gov](http://cand.uscourts.gov).

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

(By) Deputy Clerk

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.  
 Pier 9, Suite 100  
 San Francisco, CA 94111  
 415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

<b>PROOF OF SERVICE</b>		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE
<b>DECLARATION OF SERVER</b>		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on _____ DATE		SIGNATURE OF SERVER  ADDRESS:
<b>ADDITIONAL INFORMATION</b>		

*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

**Attachment A**

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between Cigna and:
  - a. Dr. Gregory Belcher
  - b. Dr. Belcher's staff
  - c. U.S. government agents, or
  - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ---
  - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
  - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
  - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
  - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance would be unreasonable or oppressive, it may file a motion to quash or modify the

*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,

SUBPOENA TO PRODUCE  
DOCUMENTS OR OBJECTS  
IN A CRIMINAL CASE

v.

Case No.: CR16-0211-LHK

GREGORY BELCHER

Defendant(s).

TO: CT CORPORATION SYSTEM - UnitedHealthcare Optum  
818 W. 7th St., Los Angeles, CA 90017

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents in camera, or to permit production only pursuant to a protective order.

**PLACE**

<input type="checkbox"/> U.S. Courthouse 450 Golden Gate Ave. San Francisco, CA 94102	<input checked="" type="checkbox"/> U.S. Courthouse 280 South First St. San Jose, CA 95113	<input type="checkbox"/> U.S. Courthouse 3140 Boeing Ave. McKinleyville, CA 95519	<input type="checkbox"/> U.S. Courthouse 1301 Clay Street Oakland, CA 94612
---	--	---	---

**COURTROOM/JUDGE**  
8 / LUCY H. KOH

**DATE AND TIME**  
10/17/2017 00:00

*If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.*

The following document(s) or object(s) shall be produced:

See Attachment A.

Please produce all documents in electronic format (if possible) at naomichung@defenseaid.com or via mail to Law Office of Naomi Chung  
Pier 9, Suite 100  
San Francisco, CA 94111

NOTE: Subpoena forms requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*) or for the production of state law enforcement personnel or complaint records (CAND 89C, *Subpoena to Produce State Law Enforcement Personnel Or Complaint Records in a Criminal Case*) are available at the Court's website: [cand.uscourts.gov](http://cand.uscourts.gov).

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

(By) Deputy Clerk

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Naomi Chung, Esq.  
Pier 9, Suite 100  
San Francisco, CA 94111  
415. 746. 9080

CAND 89B (Rev. 6/17) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on _____ DATE</p> <p>SIGNATURE OF SERVER</p> <p>ADDRESS:</p>		
ADDITIONAL INFORMATION		



*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

**Attachment A**

The following documents or objects shall be produced:

1. All written communications between 2008 and 2015 between UnitedHealthcare Optum and:
  - a. Dr. Gregory Belcher
  - b. Dr. Belcher's staff
  - c. U.S. government agents, *or*
  - d. attorneys related to Dr. Belcher.
2. Any internal communications (emails, messages, memos, notes, etc.) related to Dr. Belcher.
3. The investigation file for the fraud/waste/abuse/SIU department and any audit file related to Dr. Belcher. This request includes any records of interviews related to Dr. Belcher (e.g. interviews of Dr. Belcher's patients) and the results of any investigation(s).
4. Reimbursement rates applying to Dr. Belcher today and in 2013 for each of the following CPT codes ---
  - a. All therapeutic procedure codes: 97110, 97112, 97113, 97116, 97124, 97139, 97140, 97150, 97530, 97535, 97537, 97542
  - b. Surgery codes: 27130, 27134, 27236, 27332, 27434, 27443, 27447, 27487, 29981, 29823, 29826, 29881
5. Any and all internal guidance or policy documents (memos, emails, policies, etc.) containing the following information:
  - a. Identifying what types of billing patterns may indicate fraud and/or mistake by a medical provider.
  - b. Indicating what steps should be taken in the event of suspected provider fraud and/or billing mistakes.
6. The overall error rate for bills received from medical providers from 2008 to 2015.
7. List of all pending claims, i.e. claims that have not been denied or paid. List should include dates, patient/beneficiary name, service date, CPT codes submitted.

All requested information and documents are relevant and material, specific and limited in scope, and de-identified information cannot be used (45 CFR 164.512(f)(1)(ii)(C)).

The subpoenaed party is advised, pursuant to Criminal Local Rule 17-2(c) of the U.S. District Court for the Northern District of California, that if compliance

*United States v. Gregory Belcher*, No. CR16-0211-LHK  
Subpoena Duces Tecum

would be unreasonable or oppressive, it may file a motion to quash or modify the subpoena, for an *in camera* review of the documents, or for an order to permit production only pursuant to a protective order.